

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Document #

15

O'Nell

U.S.C.A. #

U.S.D.C. #

06 cv 14377

JUDGE:

KMW

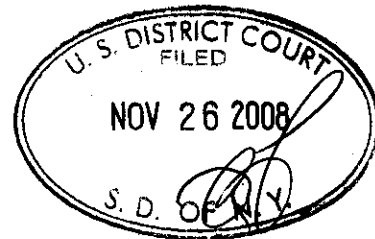
DATE:

NOVEMBER 26, 2008

-v-

New York City Housing
authority (NYCHA) et al

INDEX TO THE RECORD ON APPEAL



PREPARED BY (NAME): THOMAS R. PISARCZYK
FIRM: U.S. DISTRICT COURT - SOUTHERN DISTRICT OF NEW YORK
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NEW YORK, NEW YORK 10007
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DISTRICT COURT DOCKET ENTRIES

DOCUMENT DESCRIPTION

DOC. #

CLERK'S CERTIFICATE

SEE ATTACHED LIST OF NUMBERED DOCUMENTS

** ONLY CIRCLED DOCUMENTS ARE INCLUDED **

** ALL OTHERS MISSING AT THIS TIME **

(☒) Original Record(☐) Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A.
for the Second Circuit on the 26TH Day of November, 2008.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

O'Neill

U.S.C.A. # _____

-v-

U.S.D.C. # 06-cv-14377

NYCHA, et al

JUDGE: KMW

DATE: NOVEMBER 26, 2008

Clerk's Certificate

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered 1 Through _____, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

<u>Date Filed</u>	<u>Document Description</u>
_____	_____
_____	_____
_____	_____
_____	BALANCE OF FILE MISSING AT THIS TIME
_____	_____
_____	_____
_____	_____
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In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this 26TH Day of November In this year of our Lord, Two Thousand and Eight, and the Independence of the United States this 233RD year.

J. Michael McMahon, Clerk

By _____

Deputy Clerk

APPEAL, CLOSED

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:06-cv-14377-KMW
Internal Use Only

O'Neill v. New York City Housing Authority (NYCHA) et al
Assigned to: Judge Kimba M. Wood
Cause: 42:1983 Civil Rights Act

Date Filed: 12/13/2006
Date Terminated: 08/20/2007
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Date Filed	#	Docket Text
12/13/2006	(1)	DECLARATION IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS. Document filed by Gerard O'Neill.(mbe,) (Entered: 12/20/2006)
12/13/2006	(2)	COMPLAINT against New York City Housing Authority (NYCHA), Glenn Richter, Ynociea Cruz, Myra Castro, Tino Hernandez. Document filed by Gerard O'Neill.(mbe,) (Entered: 12/20/2006)
12/13/2006		Magistrate Judge Ronald L. Ellis is so designated. (mbe,) (Entered: 12/20/2006)
12/13/2006	(3)	60 DAYS ORDER....I grant plaintiff's request to proceed in forma pauperis and direct the Clerk of Court to assign a docket number to this complaint. I further direct plaintiff to submit an amended complaint within 60 days of the order as detailed below. Plaintiff is hereby directed to file an amended complaint containing the information specified above. Should plaintiff decide to file an amended complaint, it must be submitted to this Court's Pro Se Office within sixty days of this date of this order, be captioned as an "AMENDED COMPLAINT" and bear the same docket number as this order. He should therefore include in his amended complaint any allegations or exhibits from his original complaint, if he still wishes to present them to court. A copy of this order must be attached to the amended complaint. No summons shall issue at this time and all further proceedings shall be stayed for sixty (60) days or until plaintiff has complied with this order. If plaintiff fails to comply within the time allowed or show cause why he cannot comply, the complaint shall be dismissed. Once submitted, the amended complaint shall be reviewed for substantive sufficiency and then, if proper shall be reassigned, a copy of this order shall be served with the summons and amended complaint. I certify pursuant to 28 U.S.C. sec. 1915(a) (3) that any appeal from this order would not be taken in good faith.(Signed by Judge Kimba M. Wood on 12/13/2006) (mbe,) (Entered: 12/20/2006)
02/26/2007	(4)	ORDER on 1/30/07, the Court received plaintiff's letter (attached hereto) requesting additional time to comply with this Court's order dated 12/13/06 instructing him to amend his complaint. Plaintiff's request is GRANTED, and he is directed to file his amended complaint within sixty (60) days of the date of this order. So Ordered. (Signed by Judge Kimba M. Wood on 2/26/07) (jco) (Entered: 03/02/2007)
04/26/2007	(5)	AMENDED COMPLAINT amending 2 Complaint against Phillip Lam, John Calvado, New York City Housing Authority (NYCHA), Glenn Richter, Ynociea Cruz, Myra Castro, Tito Hernandez.Document filed by Gerard O'Neill. Related document: 2 Complaint filed by Gerard O'Neill.(tro) (Entered: 04/30/2007)
08/20/2007	(6)	JUDGMENT that the complaint is dismissed because this Court lacks subject matter jurisdiction over the claim and for failure to state a claim upon which relief may be granted. The Court certify pursuant to 28 U.S.C. 1915(a)(3) that any appeal from the Court's order would not be taken in good faith. (Signed by Judge Kimba M. Wood on 8/20/07) (ml) (Entered: 08/20/2007)
08/20/2007	(7)	ORDER OF DISMISSAL Accordingly, the complaint, filed in forma pauperis under 28 U.S.C. 1915(a)(1), is dismissed because this Court lacks subject matter jurisdiction over the claims and for failure to state a claim upon which relief may be granted. I certify under 28 U.S.C. 1915(a)(3) that any appeal from this order would not be taken in good faith. (Signed by Judge Kimba M. Wood on 8/20/07) (tro) (Entered: 08/21/2007)
08/21/2007		Mailed notice of Right to Appeal re: 6 Judgment, to Pro Se Litigant(s): Gerard O'Neill. (tve) (Entered: 09/05/2007)
03/10/2008		***DELETED DOCUMENT. Deleted document number 8 ENDORSED LETTER. The document was incorrectly filed in this case. (ae) (Entered: 07/25/2008)
07/18/2008	(9)	MOTION for an order pursuant to FRCP 60(b)(1)(3), (c)(1), (d)(1), (3) Relief from Judgment or Order. Attached is Affidavit/Affirmation Document filed by Gerard O'Neill.(dj) (Entered: 07/22/2008)
08/25/2008	(10)	ORDER, Plaintiffs motion for reconsideration is denied, and the complaint in the 2006 action, filed in forma pauperis under 28 U.S.C. section 1915 (a)(1), remains dismissed for lack of subject matter jurisdiction and for failure to state a claim upon which relief may be granted. The Court certifies pursuant to 28 U.S.C. section 1915(a)(3) that any appeal from this order would not be taken in good faith.. (Signed by Judge Kimba M. Wood on 7/30/08) (pl) (Entered: 08/27/2008)
10/10/2008	(12)	MOTION for Extension of Time to File a Notice of Appeal. Document filed by Gerard O'Neill.(ae) (Entered: 11/19/2008)
10/10/2008	(14)	NOTICE OF APPEAL from 10 Order on Motion for Miscellaneous Relief. Document filed by Gerard O'Neill. (tp) (Entered: 11/24/2008)
10/10/2008		Appeal Remark as to 14 Notice of Appeal filed by Gerard O'Neill. \$455.00 APPEAL FEE DUE. IFP REVOKED 8/20/07. (tp) (Entered: 11/24/2008)
11/07/2008	-1 11	MOTION for an order to vacate the denial of the Rule 60(b), dated 8/25/08, which, in effect, is vacating the final decision regarding 06cv1477(KMW), the first complaint, dated 7/24/07. Document filed by Gerard O'Neill.(pl) (Entered: 11/12/2008)
11/19/2008	13	ORDER granting 12 Motion for Extension of Time to File an untimely notice of appeal. The Clerk of Court is directed to detach from plaintiff's motion his completed Notice of Appeal and file that Notice of Appeal as of 10/10/08, the date it was received by the Court. The Court certifies pursuant to 28 U.S.C. section 1915(a)(3) that any appeal from this order would not be taken in good faith. (Signed by Judge Kimba M. Wood on 11/19/08) (ae) (Entered: 11/20/2008)

11/24/2008	Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 14 Notice of Appeal. (tp) (Entered: 11/24/2008)
11/24/2008	Transmission of Notice of Appeal to the District Judge re: 14 Notice of Appeal. (tp) (Entered: 11/24/2008)